

SUPREME JUDICIAL COURT HIGH SCHOOL ESSAY CONTEST

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"The dignity and stability of government and all its branches, the morals of the people, and every blessing of society depend so much upon an upright and skillful administration of justice, that the judicial power ought to be distinct from both the legislative and executive, and independent from both." - John Adams

An independent judiciary is an immensely important body to any legitimate government, as John Adams foresaw, because it is bestowed with three invaluable abilities – the ability to protect the minority, protect the rights of individuals, and ensure the stability and protection of the Constitution. Through the lens of his experiences in colonial Massachusetts, John Adams foresaw the benefits an independent judiciary was capable of bringing to society.

Of the three branches of government, both the executive and legislative branch are tools of the majority. It is only the judicial branch that is able justly to weigh both the interests of the majority and minority. However, when the judiciary is no longer independent, it, like the other branches, becomes a tool of the majority and is unable fairly to distribute justice. The minority is left without the rights entitled to every citizen, as their fate is left in the biased hands of the majority.

John Adams' witnessing of Thomas Hutchinson's actions as both Chief Justice of the Massachusetts Superior Court and as Lieutenant Governor may have helped to shape his views. In 1761 Hutchinson presided over the case of Gray v. Paxton, between Charles Paxton, a Customs officer, and Gray, the representative of sixty-three Boston merchants, over the legality of the writs of assistance – the ability of customs officers legally to search without warrant

anything they believed needed inspection to search for smuggled goods. The Massachusetts governor would be given one third of all fines collected for illegal smuggling by the king if these writs of assistance were upheld.

Because of Hutchinson's strong ties to the governor and the king, Hutchinson sided with Paxton in the case. Hutchinson would later say that although he personally opposed the writs of assistance he felt it was his duty because of his position as Lieutenant Governor to uphold them. Hutchinson's bipartisanship as both a member of the judicial and executive branch left him in a situation where he could not uphold the rights to privacy of the Boston merchants. Instead he found himself upholding the wills of the British Crown and those loyal to it.

Minorities have increasingly relied on an independent judiciary to protect them from an often tyrannical majority. In Brown v. Board of Education the United States Supreme Court upheld African Americans' equal educational opportunities by dissolving the segregation of Southern schools. The decision was very unpopular with many Southerners who protested by holding, "Impeach Earl Warren," signs outside the courthouse. However, an independent judiciary was able to uphold the liberties of these minorities.

For the same reasons that an independent judiciary is able to uphold the rights of the minority, an independent judiciary can also best uphold the rights of individuals, particularly unpopular individuals. Adams' experience with the trial of the British soldiers involved in the Boston Massacre must have given him excellent insight into this aspect of an independent judiciary. As the lawyer for these publicly despised soldiers, Adams relied on the independence of Chief Justice Benjamin Lynde to gain a fair trial. Without this independence these soldiers would likely have been hanged despite the "stubborn facts" that demonstrated their innocence.

Finally, without an independent judiciary, the rights and freedoms of the Constitution cannot be guaranteed. The current majority, through the legislature, can simply alter the laws, regardless of the Constitution, to suit their needs. An independent judiciary guarantees the rights and freedoms of the Constitution and ensures its stability over time. Throughout history, the majority has attempted, for its own purposes, to take away rights promised by the Constitution. Almost always, the judiciary has stood in their way.

Recently, after the terrorism of September 11th, President Bush began allowing suspected "enemy combatants" to be detained without trial for unspecified periods of time in Guantanamo Bay, clearly denying these citizens their right to a trial by jury. Because the judiciary was not controlled by the executive branch it was able to step in and protect the rights to due process granted by the Constitution.

The importance of an independent judiciary is clear. Without it the rights and freedoms of the minority and the despised individual, and the sanctity of the Constitution are always sacrificed.